



General Assembly

January Session, 2001

Raised Bill No. 6998

LCO No. 4499

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO ENVIRONMENTAL, AGRICULTURAL AND HUNTING LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-14 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 No minor under sixteen years of age shall be employed or permitted
4 to work, when school is not in session, in any agricultural occupation
5 unless the employer of such minor has received a birth certificate, an
6 agricultural work permit issued by the [state] Department of
7 Education or other legal proof of age. Each employer shall retain, [in
8 his possession,] and make available to the commissioner or [his] the
9 agent for inspection of such commissioner, each such legal proof of
10 age, until the termination of the employment of the minor therein
11 named. At the termination of employment the employer shall return to
12 each minor upon request such legal proof of age.

13 Sec. 2. Subsection (a) of section 22-26kk of the general statutes is
14 repealed and the following is substituted in lieu thereof:

15 (a) On or before April 1, 2001, the Commissioner of Agriculture
16 shall prepare a list of agricultural land [whose] the development rights
17 of which have been offered to the state under section 22-26gg and for
18 which there is a written agreement for a purchase price. Purchase of
19 development rights pursuant to said section 22-26gg shall be made
20 from agricultural land appearing on the list. The list shall be revised
21 every six months.

22 Sec. 3. Section 22-64 of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 The Marketing Authority shall develop the marketing facilities of
25 Connecticut agriculture to bring about a wider and more economical
26 distribution of Connecticut's agricultural products through the
27 development of existing farmers' markets and through the
28 establishment, acquisition, development and operation of market
29 facilities, including land and buildings, by purchase, construction or
30 condemnation; provided, however, that any such real estate
31 acquisitions financed by bonds involving the full faith and credit of the
32 state shall be subject to the provisions of section 4b-23. Subject to the
33 provisions of section 4b-3, the Marketing Authority may lease the land
34 or markets under the control of the authority. The Marketing
35 Authority shall adopt regulations in accordance with the provisions of
36 chapter 54 concerning the leasing of land or markets. The Marketing
37 Authority shall maintain a written record of the reasons why a
38 prospective tenant has been granted or denied a lease, and shall notify
39 applicants that such a record is available for inspection. Any such
40 market or land may be leased in portions (1) to an agricultural
41 cooperative organized under the laws of this state, [and] (2) to
42 wholesalers of farm produce or farm supplies, [and] (3) to dealers in
43 other commodities, if the authority determines that the sale of such
44 other commodities is of general benefit to the market, and (4) to
45 persons rendering services connected therewith essential to the
46 market, subject to such regulations as the Marketing Authority
47 promulgates. Such leases shall be for periods determined by the

48 authority, not to exceed ninety-nine years, and may be renewed for
49 like periods. Said leases may be terminated upon mutual agreement by
50 both parties thereto. Except as provided in section 22-63a, the
51 appointment of all necessary employees by the Marketing Authority
52 shall be subject to the provisions of chapter 67. The Marketing
53 Authority shall, for the purpose of providing for the payment of the
54 expenses of the market and the construction, improvements, repairs,
55 maintenance and operation of its properties, fix, charge and collect
56 rentals and charges for stores, stalls, space, buildings, equipment and
57 other appurtenances, privileges and services furnished or performed,
58 in or in connection with the market. The Marketing Authority shall
59 have charge and supervision of repairs, maintenance and capital
60 improvements of its properties provided that contracts may be
61 submitted to the Commissioner of Public Works for review. The
62 Marketing Authority may collect any charges due a cooperative from
63 its sublessees and may apply any sums so collected to the payment of
64 rent payable to the authority by such cooperative. The Marketing
65 Authority shall promulgate reasonable regulations relating to the use
66 and operation of the market and its premises, equipment and facilities;
67 marketing hours and days; sanitation; weight, measurement and
68 display of products; inspection of products by the authority, and traffic
69 and parking regulation, all in the interest of the public safety and
70 convenience and to insure the most efficient and economical use of
71 market property. The Marketing Authority, or a committee thereof to
72 be designated by the authority, after hearing, may impose a penalty
73 not exceeding five hundred dollars for each violation of any of such
74 regulations, and said authority may provide for the removal from the
75 market premises of any motor vehicle operated or parked in violation
76 of any regulation. The nonpayment of any penalty imposed as herein
77 provided shall be grounds for eviction and exclusion from the market
78 of the person or corporation upon whom the penalty is imposed and in
79 addition the amount of such penalty may be recovered by the
80 authority in a civil action. Any person or corporation aggrieved by the
81 imposition of penalties in excess of fifty dollars in the aggregate may

82 appeal to the superior court for the judicial district of Hartford.

83 Sec. 4. Subdivision (5) of section 22-111aa of the general statutes is
84 repealed and the following is substituted in lieu thereof:

85 (5) "Distribute" means to import, consign, produce, compound, mix
86 or blend soil amendments for use in this state, or to offer for sale, sell,
87 barter or otherwise supply soil amendments in this state.

88 Sec. 5. Subsection (d) of section 22-111cc of the general statutes is
89 repealed and the following is substituted in lieu thereof:

90 (d) The commissioner may require proof of claims made for any soil
91 amendment. If no claims are made, the commissioner may require
92 proof of usefulness and value of the soil amendment. For evidence of
93 proof the commissioner may rely on experimental data, evaluations or
94 advice supplied from such sources as the director may approve if the
95 design of the experiment is related to conditions in this state under
96 which the product is to be used. The commissioner may accept or
97 reject other sources of proof deemed to be reliable as additional
98 evidence in evaluating soil amendments.

99 Sec. 6. Subsection (c) of section 22-300 of the general statutes is
100 repealed and the following is substituted in lieu thereof:

101 (c) No person shall change wilfully or knowingly the identification
102 of any animal by tampering with the ear tag, tattoo or brand or
103 otherwise, for the purpose of concealing or falsifying any animal's
104 history as recorded in the files of the [state] Department of Agriculture.

105 Sec. 7. Section 22-330 of the general statutes is repealed and the
106 following is substituted in lieu thereof:

107 The commissioner, the Chief Animal Control Officer and any
108 animal control officer in any part of the state, any regional animal
109 control officer in the territory to which [he] such regional officer is
110 assigned and any municipal animal control officer in the municipality

111 for which [he] such municipal officer has been appointed may arrest
112 any person and may issue a written complaint and summons in
113 furtherance thereof for any violation of any law relating to dogs or to
114 any domestic animal in the same manner police officers or constables
115 may exercise in their respective jurisdictions.

116 Sec. 8. Section 22-388 of the general statutes is repealed and the
117 following is substituted in lieu thereof:

118 All cattle owned by a dealer or held by a dealer, pending sale,
119 exchange, resale or shipment on premises owned, rented, leased or
120 borrowed by such dealer may be subjected periodically to a tuberculin
121 and blood test by an authorized, full-time, salaried veterinarian of the
122 state or federal Department of Agriculture at no expense to the dealer.
123 Any reactors to the brucellosis or tuberculin test shall be branded on
124 the left jaw and a metal tag identifying the animal as a reactor affixed
125 to the left ear. Such reactors shall be disposed of by slaughter
126 immediately. Indemnity shall be paid on all such reactors in the
127 manner provided in section 22-288, provided such reactor shall have
128 passed at least one negative test since entering the state and shall have
129 been acquired by the dealer in compliance with existing state
130 regulations on interstate and intrastate movements of cattle. If a
131 quarantine, due to the presence of an infectious, communicable
132 livestock disease, is imposed on cattle owned by a dealer or held by a
133 dealer pending sale, exchange, resale or shipment on premises owned,
134 rented, leased or borrowed by such dealer, such dealer shall not be
135 prohibited from engaging in [his] business as a dealer, provided such
136 dealer shall comply with all quarantine restrictions and sanitation
137 regulations of the [state] Department of Agriculture in respect to
138 quarantined animals, including individual identification of each such
139 animal by numbered ear tag and so described on the quarantine form,
140 and shall establish a separate set of premises at least one hundred
141 yards distant from all quarantined premises and pastures used by such
142 quarantined animals, and provided in no instance shall the same
143 attendant attend quarantined animals and animals in the healthy

144 establishment unless disease conditions as determined by the [state]
145 Department of Agriculture permit such practices under such sanitary
146 requirements as are prescribed by the commissioner or [his] an
147 assistant of the commissioner.

148 Sec. 9. Subdivision (3) of section 22a-29 of the general statutes is
149 repealed and the following is substituted in lieu thereof:

150 (3) "Regulated activity" means any of the following: Draining,
151 dredging, excavation, or removal of soil, mud, sand, gravel, aggregate
152 of any kind or rubbish from any wetland or the dumping, filling or
153 depositing thereon of any soil, stones, sand, gravel, mud, aggregate of
154 any kind, rubbish or similar material, either directly or otherwise, and
155 the erection of structures, driving of pilings, or placing of obstructions,
156 whether or not changing the tidal ebb and flow. Notwithstanding the
157 foregoing, "regulated activity" shall not include activities conducted
158 by, or under the authority of, the Department of Environmental
159 Protection for the purposes of mosquito control, conservation activities
160 of the [state] Department of Environmental Protection, the
161 construction or maintenance of aids to navigation which are
162 authorized by governmental authority and the emergency decrees of
163 any duly appointed health officer of a municipality acting to protect
164 the public health.

165 Sec. 10. Subsection (d) of section 22a-131 of the general statutes is
166 repealed and the following is substituted in lieu thereof:

167 (d) Any person [,] who₂ in the commission of a violation for which a
168 penalty would be imposed under subsection (a), (b) or (c) of this
169 section, [who] knowingly places another by such violation in imminent
170 danger of death or serious bodily injury, shall be fined not more than
171 two hundred fifty thousand dollars or imprisoned not more than
172 fifteen years or both, and when the violator is an organization, the fine
173 shall be not more than one million dollars. This subsection shall not be
174 construed as a limitation on the amount of fines that may be imposed
175 in accordance with subsection (a), (b) or (c) of this section. As used in

176 this section, "organization" means any legal entity, other than the state
177 or any of its political subdivisions, established for any purpose, and
178 includes a corporation, company, association, firm, partnership, joint
179 stock company, foundation, institution, trust, society, union or any
180 other association of persons.

181 Sec. 11. Subsection (a) of section 22a-178 of the general statutes is
182 repealed and the following is substituted in lieu thereof:

183 (a) If the commissioner finds that any person has violated any
184 provision of this chapter, or any regulation, order, or permit adopted
185 or issued thereunder, [he] the commissioner may issue a written order
186 against the person alleged to be committing such violation and shall
187 cause a true copy thereof to be served upon such person by certified
188 mail with return receipt requested or by a state marshal or indifferent
189 person, and the original thereof, with a return of such service endorsed
190 thereon, shall be filed with the commissioner. Such order shall specify
191 the nature of the violation and specify a reasonable period of time
192 within which such person shall take such measures as will correct or
193 remedy any such violation.

194 Sec. 12. Subsection (d) of section 22a-208a of the general statutes is
195 repealed and the following is substituted in lieu thereof:

196 (d) (1) Except as provided in subdivision (2) of this subsection, no
197 solid waste facility which holds a permit to construct shall be altered
198 on and after June 16, 1985, until the proposed plan, design and method
199 of operation of the altered facility have been filed with the
200 commissioner and approved by [him] the commissioner by issuance of
201 a modified permit. For the purposes of this section and sections 22a-
202 208, 22a-208b, 22a-220a, 22a-225 and 22a-226, "alter" means (A) to
203 change to any substantive degree the approved design, capacity,
204 process or operation of a solid waste facility holding a permit to
205 construct, and includes, but is not limited to, changes in the approved
206 capacity or composition of solid waste disposed of, processed,
207 reduced, stored or recycled at the facility, or (B) to change to any

208 substantive degree the existing design, capacity, volume, process or
209 operation of a solid waste facility not holding a permit to construct and
210 includes, but is not limited to, changes in the volume or composition of
211 solid waste disposed, stored, processed, reduced or recycled at the
212 facility.

213 (2) Changes in design, processes or operations, including the
214 addition of thermal oxidizers or other air pollution control equipment,
215 made to mitigate, correct or abate odors from a solid waste facility that
216 is owned or operated by the Connecticut Resources Recovery
217 Authority and that contracts with more than fifty municipalities, shall
218 not be considered an alteration requiring a modified permit or minor
219 permit amendment under this chapter. In addition, notwithstanding
220 any provision of the general statutes or regulation adopted pursuant to
221 said statutes, any such change shall not be considered a modification
222 or new stationary source requiring a permit to construct or operate
223 under chapter 446c or under any regulation adopted pursuant to
224 chapter 446c, unless such change is a major modification or a major
225 stationary source requiring a permit under the federal Clean Air Act
226 Amendments of 1990. Any person making any such change to an odor
227 control system at such a facility shall, not more than thirty days after
228 making such change, submit a written report to the commissioner fully
229 describing the changes made and the reason for such changes for the
230 commissioner's review and comment. Nothing in this subdivision shall
231 affect the commissioner's authority to take any other action to enforce
232 the requirements of this title.

233 Sec. 13. Subsection (a) of section 22a-250a of the general statutes is
234 repealed and the following is substituted in lieu thereof:

235 (a) When any vehicle used as a means of disposing of hazardous
236 waste without a permit required under the federal Resource
237 Conservation and Recovery Act of 1976, or as a means of committing a
238 violation of any of the provisions of section 22a-208a, section 22a-208c,
239 subsection (c) or (d) of section 22a-250 or section 22a-252, has been

240 seized as a result of a lawful arrest or lawful search, pursuant to a
241 criminal search and seizure warrant issued under authority of section
242 54-33c, which the state claims to be a nuisance and desires to have
243 destroyed or disposed of in accordance with the provisions of this
244 section, the judge or court issuing any such warrant or before whom
245 the arrested person is to be arraigned shall, within ten days after such
246 seizure, cause to be left with the owner of, and with any person
247 claiming of record a bona fide mortgage, assignment of lease or rent,
248 lien or security interest in, the vehicle so seized, or at his or her usual
249 place of abode, if [he] such person is known, or, if unknown, at the
250 place where the vehicle was seized, a summons notifying the owner
251 and any such other person claiming such interest and all others to
252 whom it may concern to appear before such judge or court, at a place
253 and time specified in such notice, which shall be not less than six nor
254 more than twelve days after the service thereof. Such summons may be
255 signed by a clerk of the court or [his] the clerk's assistant and service
256 may be made by a local or state police officer, state marshal, constable
257 or other person designated by the Commissioner of Environmental
258 Protection. It shall describe such vehicle with reasonable certainty and
259 state when and where and why the same was seized.

260 Sec. 14. Section 22a-354bb of the general statutes is repealed and the
261 following is substituted in lieu thereof:

262 Not more than two months after approval by the Commissioner of
263 Environmental Protection of mapping at level B pursuant to section
264 22a-354d, the commissioner, in consultation with the Commissioner of
265 Agriculture, the Cooperative Extension Service at The University of
266 Connecticut and any other person or agency the Commissioner of
267 Environmental Protection deems necessary, shall inventory
268 agricultural land uses [overlying] overlying the mapped area. Such
269 inventory shall include, but not be limited to, the type and size of any
270 agricultural operation and existing farm resource management
271 practices. Any such inventory shall be completed not more than four
272 months after commencement and shall be made available to technical

273 teams established pursuant to subsection (b) of section 22a-354k.

274 Sec. 15. Section 22a-438 of the general statutes is repealed and the
275 following is substituted in lieu thereof:

276 (a) Any person who or municipality which violates any provision of
277 this chapter [] or section 22a-6 or 22a-7 shall be assessed a civil penalty
278 not to exceed twenty-five thousand dollars, to be fixed by the court, for
279 each offense. Each violation shall be a separate and distinct offense
280 and, in case of a continuing violation, each day's continuance thereof
281 shall be deemed to be a separate and distinct offense. The Attorney
282 General, upon complaint of the commissioner, shall institute a civil
283 action in the superior court for the judicial district of Hartford to
284 recover such penalty. In determining the amount of any penalty
285 assessed under this subsection, the court may consider the nature,
286 circumstances, extent and gravity of the violation, the person or
287 municipality's prior history of violations, the economic benefit
288 resulting to the person or municipality from the violation, and such
289 other factors deemed appropriate by the court. The court shall consider
290 the status of a person or municipality as a persistent violator. The
291 provisions of this section concerning a continuing violation shall not
292 apply to a person or municipality during the time when a hearing on
293 the order pursuant to section 22a-436 or an appeal pursuant to section
294 22a-437 is pending.

295 (b) Any person who with criminal negligence violates any provision
296 of this chapter [] or section 22a-6 or 22a-7 shall be fined not more than
297 twenty-five thousand dollars per day for each day of violation or be
298 imprisoned not more than one year or both. A subsequent conviction
299 for any such violation shall carry a fine of not more than fifty thousand
300 dollars per day for each day of violation or imprisonment for not more
301 than two years or both. For the purposes of this subsection, person
302 includes any responsible corporate officer or municipal official.

303 (c) Any person who knowingly violates any provision of this
304 chapter [] or section 22a-6 or 22a-7 shall be fined not more than fifty

305 thousand dollars per day for each day of violation or be imprisoned
306 not more than three years or both. A subsequent conviction for any
307 such violation shall carry a fine of not more than one hundred
308 thousand dollars per day for each day of violation or imprisonment for
309 not more than ten years or both. For the purposes of this subsection,
310 person includes any responsible corporate officer or municipal official.

311 (d) Any person who knowingly makes any false statement,
312 representation, or certification in any application, record, report, plan,
313 or other document filed or required to be maintained under this
314 chapter [J] or section 22a-6 or 22a-7 or who falsifies, tampers with, or
315 knowingly renders inaccurate any monitoring device or method
316 required to be maintained under this chapter [J] or section 22a-6 or 22a-
317 7 shall upon conviction be fined not more than twenty-five thousand
318 dollars for each violation or imprisoned not more than two years for
319 each violation or both. For the purposes of this subsection, person
320 includes any responsible corporate officer or municipal official.

321 (e) Any person who or municipality which wilfully or with criminal
322 negligence discharges gasoline in violation of any provision of this
323 chapter, shall be fined not more than fifty thousand dollars per day for
324 each day of violation or be imprisoned not more than three years or
325 both. A subsequent conviction for any such violation shall carry a fine
326 of not more than one hundred thousand dollars per day for each day
327 of violation or imprisonment for not more than ten years or both. For
328 the purposes of this subsection, person includes any responsible
329 corporate officer.

330 Sec. 16. Subsection (b) of section 22a-449d of the general statutes is
331 repealed and the following is substituted in lieu thereof:

332 (b) The board shall consist of the Commissioners of Environmental
333 Protection and Revenue Services, the Secretary of the Office of Policy
334 and Management and the State Fire Marshal, or their designees; one
335 member representing the Connecticut Petroleum Council, appointed
336 by the speaker of the House of Representatives; one member

337 representing the Service Station Dealers Association, appointed by the
338 majority leader of the Senate; one member of the public, appointed by
339 the majority leader of the House of Representatives; one member
340 representing the Independent Connecticut Petroleum Association,
341 appointed by the president pro tempore of the Senate; one member
342 representing the Connecticut Gasoline Retailers Association, appointed
343 by the minority leader of the House of Representatives; one member
344 representing a municipality with a population greater than one
345 hundred thousand, appointed by the Governor; one member
346 representing a municipality with a population of less than one
347 hundred thousand, appointed by the minority leader of the Senate; one
348 member representing a small manufacturing company which employs
349 fewer than seventy-five persons, appointed by the speaker of the
350 House of Representatives; one member experienced in the delivery,
351 installation [] and removal of residential underground petroleum
352 storage tanks and remediation of contamination from such tanks,
353 appointed by the president pro tempore of the Senate; and one
354 member who is an environmental professional licensed under section
355 22a-133v and is experienced in investigating and remediating
356 contamination attributable to underground petroleum storage tanks,
357 appointed by the Governor. The board shall annually elect one of its
358 members to serve as chairperson.

359 Sec. 17. Section 22a-449h of the general statutes is repealed and the
360 following is substituted in lieu thereof:

361 Notwithstanding the provisions of regulations adopted by the
362 Commissioner of Environmental Protection under subsection (d) of
363 section 22a-449, (1) a town, regional school district or incorporated or
364 endowed high school or academy approved by the State Board of
365 Education pursuant to section 10-34 shall have until October 1, 1991, or
366 five years after the life expectancy of an underground storage tank
367 system, as defined in subdivision (5) of section 22a-449a, of a public
368 school building or building of such an incorporated or endowed high
369 school or academy, whichever is later, to replace such a system

370 provided application for a school building project for such purpose is
371 made on or before October 1, 1990, or October first of the year
372 preceding the fifth year, as appropriate, to the [state] Department of
373 Education pursuant to section 10-283 or section 10-285b₂ and (2) a
374 nonpublic elementary or secondary school shall have until October 1,
375 1991, or five years after the life expectancy of such an underground
376 storage tank system of a nonpublic school, whichever is later, to
377 replace such a system.

378 Sec. 18. Section 22a-450 of the general statutes is repealed and the
379 following is substituted in lieu thereof:

380 The master of any ship, boat, barge or other vessel, or the person in
381 charge of any terminal for the loading or unloading of any oil or
382 petroleum or chemical liquids or solid, liquid or gaseous products, or
383 hazardous wastes, or the person in charge of any establishment, or the
384 operator of any vehicle, trailer or other machine which by accident,
385 negligence or otherwise causes the discharge, spillage, uncontrolled
386 loss, seepage or filtration of oil or petroleum or chemical liquids or
387 solid, liquid or gaseous products, or hazardous wastes which poses a
388 potential threat to human health or the environment, shall
389 immediately report to the commissioner such facts as the
390 commissioner by regulation may require. Any such report shall
391 include, but not be limited to, the location, the quantity and the type of
392 substance, material or waste, the date and the cause of the discharge,
393 spillage, uncontrolled loss, seepage or filtration, the name and address
394 of the owner of the ship, boat, barge or other vessel, terminal,
395 establishment, vehicle, trailer or machine, and the name and address of
396 the person making the report and [his] such person's relationship to
397 the owner. Any person who fails to make a report required by this
398 section may be fined not more than one thousand dollars and the
399 employer of such person may be fined not more than five thousand
400 dollars, except that any person who fails to make a report relating to
401 the discharge, spillage, uncontrolled loss, seepage or filtration of
402 gasoline shall be fined not more than five thousand dollars and the

403 employer of such person may be fined not more than ten thousand
404 dollars.

405 Sec. 19. Subsections (c) and (d) of section 22a-450a of the general
406 statutes are repealed and the following is substituted in lieu thereof:

407 (c) Beginning July 1, 2000, the Connecticut Petroleum Council, the
408 National Petrochemical and Refiners Association, the Oxygenated
409 Fuels Association [,] and the Independent Connecticut Petroleum
410 Association, under the direction of the Commissioner of
411 Environmental Protection, shall undertake an effective education
412 campaign directed at all users of gasoline, including, but not limited
413 to, homeowners, marine trades and businesses, about the proper
414 handling of gasoline. Said campaign shall include, but not be limited
415 to: (1) Warning at the point of sale about the proper handling of
416 gasoline; (2) instructions on portable gasoline containers sold after July
417 1, 2000, about the proper handling of gasoline; and (3) newspaper,
418 radio and television information advertisements.

419 (d) The Commissioner of Environmental Protection shall seek a
420 waiver from the United States Environmental Protection Agency for
421 the purpose of discontinuing the use of MTBE [,] as a gasoline additive
422 in this state.

423 Sec. 20. Section 22a-467 of the general statutes is repealed and the
424 following is substituted in lieu thereof:

425 No person shall dispose of the compound PCB or any item, product
426 or material containing the compound PCB except in accordance with a
427 permit issued pursuant to section 22a-208a, 22a-430 or 22a-454.
428 Notwithstanding the provisions of this section, a person or
429 municipality may dispose of the compound PCB, or the item, product
430 or material containing the compound PCB, in accordance with a
431 written approval by the commissioner if such disposal (1) results in
432 destruction of the compound PCB; or (2) is not inconsistent with the
433 provisions of Part 761 of Title 40 of the Code of Federal Regulations.

434 The commissioner may include in any such approval such conditions
435 as [he] the commissioner deems appropriate to protect the
436 environment and human health. For purposes of this section, person
437 includes any responsible corporate officer or municipal official and
438 "dispose" means to incinerate or treat the compound PCB or any item,
439 product or material containing the compound PCB, or to discharge,
440 deposit, inject, dump or place the compound PCB or any item, product
441 or material containing the compound PCB into or on land or water so
442 that such compound, item, product or material enters the environment,
443 is emitted into the air [,] or is discharged into any waters, including
444 groundwaters.

445 Sec. 21. Subsection (d) of section 22a-509 of the general statutes is
446 repealed and the following is substituted in lieu thereof:

447 (d) Any constituent municipality may enter into an agreement with
448 the authority for the transfer to the authority, for use in the exercise of
449 its corporate powers and purposes hereunder, of any water pollution
450 control facilities or wastewater system of such constituent municipality
451 as the same then shall be owned by such constituent municipality. Any
452 such agreement may provide for the transfer of title of said facilities or
453 wastewater system by deed, lease or other arrangement to the
454 authority. To the extent it is not inconsistent with sections 22a-500 to
455 22a-519, inclusive, any such agreement may impose such limitations or
456 conditions as may be agreed upon with respect to the power thereafter
457 to sell or otherwise dispose of any property acquired pursuant to such
458 agreement and may provide for or authorize the authority to return
459 property no longer required for water pollution control purposes.
460 Notwithstanding the provisions of any other general, special or local
461 law or charter, any action taken by such constituent municipality
462 pursuant to this subsection shall not be subject to referendum. Any
463 such agreement shall set forth the liabilities of such constituent
464 municipality which are contemplated to be paid by the authority from
465 moneys available to it, unless such agreement does not require the
466 authority to assume any such liabilities. Notwithstanding the

467 provisions of any other general, special or local law or charter, any
468 moneys received by any constituent municipality in consideration for
469 the transfer of such water pollution control facilities or wastewater
470 system to the authority may be deposited in the general fund of such
471 constituent municipality and used for any lawful municipal purpose or
472 may be deposited in a special fund for the purpose of paying or
473 redeeming any existing indebtedness issued for water pollution
474 control purposes. A constituent municipality and the authority may
475 make or enter into any contracts, agreements, deeds, leases,
476 conveyances or other instruments as may be necessary or appropriate
477 to effectuate the purposes of sections 22a-500 to 22a-519, inclusive, and
478 they shall have the power and authority to do so and to authorize the
479 doing of all things incidental, desirable or necessary to implement the
480 provisions of said sections. Upon the filing by the authority with the
481 clerk of the constituent municipality and the Secretary of the State of a
482 copy of the instruments or documents effectuating the transfer
483 authorized by sections 22a-500 to 22a-519, inclusive, the authority shall
484 take possession of the water pollution control facilities or wastewater
485 system of the constituent municipality. Any application filed or
486 proceeding heretofore commenced in relation to the water pollution
487 control facility or wastewater system transferred to the authority
488 pending with the [state] Departments of Environmental Protection or
489 Public Health or any other state agency or with the United States
490 Environmental Protection Agency or any other federal agency or
491 instrumentality shall inure to and for the benefit of the authority and
492 be binding upon the authority to the same extent and in the same
493 manner as if the authority had been a party to such application or
494 proceeding from its inception, and the authority shall be deemed a
495 party thereto to the extent not prohibited by any federal law. Any
496 license, approval, permit or decision heretofore or hereafter issued or
497 granted pursuant to or as a result of any such application or
498 proceeding shall inure to the benefit of and be binding upon the
499 authority and shall be assigned and transferred by the municipality to
500 the authority unless such assignment and transfer is prohibited by

501 federal law. If the municipality has outstanding general obligation
502 bonds issued for acquiring or constructing water pollution control
503 facilities acquired by the authority, whether or not the bonds are also
504 payable from revenues, special assessments or taxes, the municipality
505 may authorize the authority pursuant to the agreement to issue bonds
506 under sections 22a-500 to 22a-519, inclusive, for the purpose of retiring
507 the outstanding bonds or alternatively, the authority may agree to pay
508 the principal of and interest on such bonds until the obligation of such
509 constituent municipality is discharged. No such agreement under the
510 provisions of this subsection shall be executed until such constituent
511 municipality shall have held a public hearing at which users of the
512 water pollution control system and residents of such constituent
513 municipality shall have had the opportunity to be heard concerning
514 the proposed provisions thereof. Notice of such hearing shall be
515 published at least thirty days in advance in the official newspaper or
516 newspapers of the municipality.

517 Sec. 22. Section 23-40 of the general statutes is repealed and the
518 following is substituted in lieu thereof:

519 The State Forest Fire Warden may appoint [~~patrolmen~~] patrol
520 officers, who shall receive compensation for the time actually
521 employed, and may establish and equip fire lookout stations and
522 furnish necessary equipment for such [~~patrolmen~~] patrol officers. Any
523 [~~patrolman~~] patrol officer so appointed for such purpose shall have the
524 power to arrest any person for an alleged violation of any provision of
525 the statutes for the protection of forest and timber land and shall also
526 have authority to summon assistance as provided in section 23-37 and
527 to render bills for such expenses as provided in section 23-39.

528 Sec. 23. Section 23-59 of the general statutes is repealed and the
529 following is substituted in lieu thereof:

530 The town or borough tree warden shall have the care and control of
531 all trees and shrubs in whole or in part within the limits of any public
532 road or grounds and within the limits of [~~his~~] the town or borough,

533 except those along state highways under the control of the
534 Commissioner of Transportation and except those in public parks or
535 grounds which are under the jurisdiction of park commissioners, and
536 of these the tree warden shall take the care and control if so requested
537 in writing by the park commissioners. Such care and control shall
538 extend to such limbs, roots or parts of trees and shrubs as extend or
539 overhang the limits of any such public road or grounds. The tree
540 warden shall expend all funds appropriated for the setting out, care
541 and maintenance of such trees and shrubs. The tree warden shall
542 enforce all provisions of law for the preservation of such trees and
543 shrubs and of roadside beauty. The tree warden shall remove or cause
544 to be removed all illegally erected signs or advertisements, placed
545 upon poles, trees or other objects within any public road or place
546 under the tree warden's jurisdiction. The tree warden may prescribe
547 such regulations for the care and preservation of such trees and shrubs
548 as the tree warden deems expedient and may provide therein for a
549 reasonable fine for the violation of such regulations; and such
550 regulations, when approved by the selectmen or borough warden and
551 posted on a public signpost in the town or borough, if any, or at some
552 other exterior place near the office of the town or borough clerk, shall
553 have the force and effect of town or borough ordinances. Whenever, in
554 the opinion of the tree warden, the public safety demands the removal
555 or pruning of any tree or shrub under the tree warden's control, the
556 tree warden may cause such tree or shrub to be removed or pruned at
557 the expense of the town or borough and the selectmen or borough
558 warden shall order paid to the person performing such work such
559 reasonable compensation therefor as may be determined and
560 approved in writing by the tree warden. Unless the condition of such
561 tree or shrub constitutes an immediate public hazard, the tree warden
562 shall, at least ten days before such removal or pruning, post thereon a
563 suitable notice stating the tree warden's intention to remove or prune
564 such tree or shrub. If any person, firm or corporation objects to such
565 removal or pruning, such person, firm or corporation may appeal to
566 the tree warden in writing, who shall hold a public hearing at some

567 suitable time and place after giving reasonable notice of such hearing
568 to all persons known to be interested therein and posting a notice
569 thereof on such tree or shrub. Within three days after such hearing, the
570 tree warden shall render a decision granting or denying the
571 application, and the party aggrieved by such decision may, within ten
572 days, appeal therefrom to the superior court for the judicial district
573 within which such town or borough is located. The tree warden may,
574 with the approval of the selectmen or borough warden, remove any
575 trees or other plants within the limits of public highways or grounds
576 under the tree warden's jurisdiction that are particularly obnoxious as
577 hosts of insect or fungus pests.

578 Sec. 24. Subsection (b) of section 26-6 of the general statutes is
579 repealed and the following is substituted in lieu thereof:

580 (b) Conservation officers, special conservation officers and
581 [patrolmen] patrol officers may, without warrant, arrest any person for
582 any violation of any of the provisions set forth in subsection (a) of this
583 section, and any full-time conservation officer shall, in the performance
584 of [his] such officer's duties in any part of the state, have the same
585 powers to enforce such laws as do [policemen] police officers or
586 constables in their respective jurisdictions. Any full-time conservation
587 officer shall, incident to a lawful arrest while enforcing such laws in
588 the performance of [his] such officer's duties in any part of the state,
589 have the same powers with respect to criminal matters and the
590 enforcement of the law relating thereto as [policemen] police officers or
591 constables have in their respective jurisdictions.

592 Sec. 25. Subsection (a) of section 26-142a of the general statutes is
593 repealed and the following is substituted in lieu thereof:

594 (a) No person shall operate, use or attempt to operate or use a vessel
595 for commercial fishing or landing activities authorized by this section
596 unless the commissioner has issued a vessel permit for such vessel to
597 the owner of the vessel. No person shall use or assist in using
598 commercial fishing gear in any water of the state or land in this state

599 any species taken by commercial fishing gear or for commercial
600 purposes, regardless of where such species was taken, unless such
601 person has been licensed by the Commissioner of Environmental
602 Protection to use such commercial fishing gear or land such species;
603 except that any person who holds a license to set or tend gill nets, a
604 license to take lobsters or fish for personal use, a resident commercial
605 fishing license, a nonresident commercial fishing license or a
606 commercial landing license may be accompanied and assisted by
607 persons not so licensed. A resident of a state which does not issue
608 commercial licenses to take eels to residents of Connecticut shall not be
609 eligible to obtain a commercial license to take eels in the waters of this
610 state or to land eels in this state. No vessel shall be used to land any
611 finfish, lobsters, crabs, including blue crabs, sea scallops, squid or bait
612 species for sale, barter, exchange, consignment or transportation to any
613 point of sale unless [an] the operator of the vessel is licensed for such
614 purpose, except that any person who holds a commercial fishing
615 license issued by the commissioner to fish by the method used to take
616 such species, regardless of where such species were taken, shall not be
617 required to obtain a landing license. No person shall take or attempt to
618 take lobsters for personal use by hand or by scuba diving or skin
619 diving unless such person has been licensed by the commissioner to
620 take lobsters by such methods. No person shall take or attempt to take
621 finfish for commercial purposes by the use of hook and line, including
622 but not limited to rod and reel, hand line, set line, long line, or similar
623 device unless such person has been licensed by the commissioner to
624 use such gear for commercial purposes, except that notwithstanding
625 the issuance of such a license, no person shall take finfish for
626 commercial purposes in the inland district by the use of hook and line.
627 The use of a purse seine or similar device to take species is prohibited.
628 The commissioner may adopt regulations, in accordance with the
629 provisions of chapter 54, to conserve the menhaden fishery and such
630 regulations may provide for a moratorium on the taking of menhaden
631 for any period of time that the commissioner deems necessary. No
632 pound net shall be used to take finfish unless such pound net is

633 registered with the commissioner. Lobsters and blue crabs taken in
634 pound nets shall be released unharmed. No person shall buy finfish,
635 lobsters, crabs, including blue crabs, sea scallops or squid for resale
636 from any commercial fisherman unless such person has been licensed
637 by the commissioner. No person shall take or assist in taking blue
638 crabs for commercial purposes except by scoop net, hand line or
639 manually operated and personally attended devices approved by the
640 commissioner and unless such person has been licensed by the
641 commissioner. No person shall operate a charter boat, party boat or
642 head boat for the purpose of fishing unless such boat has been
643 registered for such purpose with the commissioner. The owner,
644 operator or captain of any such boat may sell the boat's or crew's share
645 of any catch if such sale is not prohibited on the basis of species, size or
646 closed season. For the purposes of this chapter, a charter boat, party
647 boat or head boat is a vessel carrying one or more crew members [and
648 which] that is operated for a fee for the purpose of transporting and
649 providing a fishing platform for sport fishermen in the marine district.
650 The commissioner may by regulations adopted, in accordance with the
651 provisions of chapter 54, exempt certain minnow seines, cast nets,
652 scoop nets, traps, eel pots, seines less than thirty feet in length or any
653 similar device used to take bait species and other species for personal
654 use under a sport fishing license in the inland district and without a
655 license in the marine district. No vessel used to take bait species may
656 employ a fish pump. Persons licensed, registered or issued a permit to
657 engage in activities authorized by this subsection shall carry on their
658 persons or in the vessel being used to engage in such activity the
659 permit, license or registration covering such activity.

660 Sec. 26. Section 26-206 of the general statutes is repealed and the
661 following is substituted in lieu thereof:

662 The Commissioner of Agriculture may, upon the application of the
663 Oystermen's Protective Association of Connecticut or the owner of any
664 oyster franchise or grounds or any natural growers' association, during
665 such time as the commissioner may determine, appoint and

666 commission such number of [policemen] police officers as [he] the
667 commissioner deems necessary to be designated by such association or
668 owner, who, having been sworn to the faithful performance of their
669 duties, may act as [policemen] police officers upon the tidal waters and
670 flats of this state and upon any boats, wharves or docks owned, leased
671 or controlled by said association or a member thereof or an owner of
672 oyster grounds. Said commissioner shall cause a record to be made of
673 the issuance or revocation of any such commission. Any person so
674 appointed shall have the [powers] power to make arrests and, when on
675 duty, shall wear in plain view a badge bearing conspicuously the
676 words "Shellfish Policeman".

677 Sec. 27. Subsection (h) of section 53-217e of the general statutes is
678 repealed and the following is substituted in lieu thereof:

679 (h) (1) The Commissioner of Environmental Protection may suspend
680 the hunting license of any person convicted under subsection (b), (c),
681 (d) or (e) of this section or subsection (b) of section 53-206d; [for:] (A)
682 Indefinitely upon conviction of negligent hunting in the first degree or
683 upon conviction of any violation of subsection (b) of section 53-206d;
684 (B) for up to ten years upon conviction of negligent hunting in the
685 second degree; (C) for up to five years upon conviction of negligent
686 hunting in the third degree; and (D) for up to three years upon
687 conviction of negligent hunting in the fourth degree.

688 (2) Any person arrested for a violation of subsection (b), (c) or (d) of
689 this section or subsection (b) of section 53-206d, except as provided in
690 section 26-85 shall surrender any firearm, bow, crossbow, bolt or high
691 velocity air gun in the person's possession while hunting at the time of
692 the alleged violation. Such property shall be confiscated at the time of
693 arrest by a police officer or conservation officer. Upon nolle or
694 dismissal of charges or acquittal of such person of such violation, such
695 property shall be returned to the person within five business days and
696 in the same condition as when the firearm, bow, crossbow or high
697 velocity air gun was surrendered. Notwithstanding the provisions of

698 sections 54-33g and 54-36a, the property shall be turned over to the
699 Commissioner of Environmental Protection upon conviction of such
700 person for such violation. Said commissioner shall (A) retain the
701 property for use by personnel of the Department of Environmental
702 Protection, (B) convey the property to the Commissioner of
703 Administrative Services for sale at public auction, the proceeds of
704 which shall be credited to the Criminal Injuries Compensation Fund
705 established pursuant to section 54-215, or (C) destroy the property.

706 Sec. 28. Section 53-206d of the general statutes is repealed and the
707 following is substituted in lieu thereof:

708 (a) (1) No person shall carry a pistol, revolver, machine gun,
709 shotgun, rifle or other firearm, which is loaded and from which a shot
710 may be discharged, upon his or her person (A) while under the
711 influence of intoxicating liquor or any drug, or both, or (B) while the
712 ratio of alcohol in the blood of such person is ten-hundredths of one
713 per cent or more of alcohol, by weight.

714 (2) Any person who violates any provision of this subsection shall
715 be guilty of a class B misdemeanor.

Statement of Purpose:

To implement the Legislative Commissioners' recommendations for technical changes to the public utility laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]